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Paper No. 7

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AUG 08 2002

In re Application of	:	OFFICE OF PETITIONS
Freire	:	
Application No. 09/950,047	:	DECISION DISMISSING
Filed: September 12, 2001	:	PETITION
Attorney Docket No. 1539(03940014AA)	:	

This is a decision on the renewed petition filed July 25, 2002, to establish that page 17 of the specification was part of the originally filed application.

The petition under 37 CFR 1.53 is **dismissed**.

On September 12, 2001, the application was filed.

On October 18, 2001, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s)" stating that the application had been accorded a filing date of September 12, 2001, and advising applicants that page 17 appeared to have been omitted.

In response, on March 20, 2002, a petition was filed alleging that page 17 was deposited on September 12, 2001. The evidence was convincing that the application papers deposited on September 12, 2001, included page 17, and that page 17 was subsequently misplaced in the PTO. Unfortunately, although the papers filed on March 20, 2002, stated they were accompanied by a copy of page 17, a copy of page 17 could not be found in the file. Therefore, the petition was dismissed since examination of the application could not satisfactorily be performed without a copy of page 17.

The decision mailed July 17, 2002, stated, "Petitioner should submit another copy of page 17 along with a renewed petition within two months."

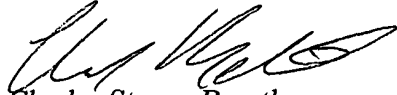
In response a copy of page 17 was sent by facsimile transmission to the Office. Unfortunately, facsimile transmission introduces changes which alter page 17 from the original page submitted. For example, a header is added to the page, the font size changes, the clarity of the print changes, and the margins change. Therefore, the Office asks that petitioner mail or hand deliver a copy of page 17 identical with the page 17 originally filed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box DAC
Washington, D.C. 20231

By hand: Office of Petitions
2201 South Clark Place
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Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

A handwritten signature in black ink, appearing to read "Charles Brantley", written in a cursive style.

Charles Steven Brantley
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy